

PUBLISHING LAWS: AN INVESTIGATION OF LAYOUT AND EPIGRAPHIC CONVENTIONS IN ROMAN STATUTES

Robrecht Decorte

University of Cambridge

Jesus College, Cambridge, CB5 8BL, UK, rpjmd2@cam.ac.uk

1. INTRODUCTION

An investigation of the layout and epigraphic style of statutes¹ is not only key in understanding conventions regarding legal drafting, but can also help us better comprehend the process of publication itself. It is well attested in, amongst others, the works of Cicero (*De Leg.* 3.11) and Suetonius (*Iul.* 28) (and thus widely agreed upon)² that publication of *leges* consisted of two separate processes: on the one hand, they were inscribed for public display and, on the other, a copy of them was stored in the *aerarium* or ‘treasury’. Concerning this latter process, a provision noted by the Bobbio Scholiast (140), which modern commentators have linked to a passage of Cicero’s speech *Pro Sestio* (135),³ states that these copies could not be secretively stored in the *aerarium*: this storage rather involved a process of formal and public registration. Thus, the treasury functioned as a type of formal legal archive which could be consulted whenever necessary. However, Cicero (*De Leg.* 3.46) complains that it was difficult to retrieve the relevant legal copy in the *aerarium*, even claiming that only the *apparitores* or ‘public servants’ of the treasury could find them and thus had the power to decide which laws were applicable, all of which implies a lack of order and arrangement of this archive.⁴

The function of the publicly displayed statutes is, on the other hand, less clear and, consequently, a strongly disputed issue amongst scholars. As Von Schwind (1973, 26ff.) points out, publication does not appear to have been an absolute requirement for a statute’s legitimacy. So what was the purpose of these statutes engraved in bronze? Some scholars, such as Williamson (1987, 160-83) and Cooley (2012, 169-71) argue that these ‘published’ *leges* did not have a reader in mind, but rather had a symbolic function intended to remind viewers of the rule of Roman law, and hence Roman authority. Other scholars, such as Crawford (1996, 19-20) and, in particular, Ando (2000, 101-3), argue that they were legally required to be legible and thus were intended to be read. In this, they refer to the widespread legal formula *unde de plano recte legi possit* ‘from where it may be read properly from ground level’, which was often included in statutes.⁵ This formula is, amongst others,

¹ In this, I consider a statute to be a “formal written enactment of a legislative body,” following Black’s (1990, 1410) dictionary. Thus, only texts from the original legislative bodies, i.e. *leges*, *plebiscita* and *rogationes*, will be taken into account, cf. Crawford (1996, 1).

² Cf. Schiller (1978, 241-2); Williamson (1987, 170); Lintott (1992, 8); Crawford (1996, 25).

³ Cf. Millar (1998, 115).

⁴ Cf. Jolowicz and Nicholas (1972, 28); Robinson (1997, 24).

⁵ Also cf. Miceli (2008, 69-70) and Corbier (2013, 25).

attested in the Delphi copy of the *Lex de Provinciis Praetoriis* (a Roman law dealing with the assigning of overseas praetorian provinces which was written in Greek, - B.25-26), the *Tabula Heracleensis* (*CIL* P.593, a *lex* which deals with several municipal regulations, - l. 16) and the *Lex Flauia Irnitana* (*CIL* A.1201, one of the Flavian municipal charters set up in Spain, - ch. 95), as well as in the works of Valerius Probus (3.11) and Ulpian (*Dig.* 14.3.11.3). That this was a widespread and well known formula is further shown by the fact that it was usually abbreviated to *V.D.P.R.L.P.* The question whether publicly displayed statutes were intended to be read or not does, of course, also beg the question of literacy in the Roman Republic and Empire. However, as Ando (2000, 101), following Youtie (1975, 218-9), points out: only a select few needed to be literate and able to read these statutes, whereas the public at large only needed to have access to a literate person or be present at the official recitals.⁶ Thus, the question of literacy should not necessarily contradict arguments in favour of a striving towards legibility within Roman statutes. In any case, scholars on both sides, but particularly those *contra* intended legibility,⁷ often refer to issues of layout and epigraphy in their arguments. I will, for that reason, redress this question of legibility in the conclusion.

In this paper, I will investigate the layout of and epigraphic conventions in Roman statutes. It should be noted that, although the focus of this article will be on Roman statutes, many of the epigraphic issues discussed below are by no means exclusive to legislative texts. Thus, bronze tablets could equally be used for other legal documents such as *senatusconsulta*⁸ and military diplomata⁹; the arrangement of text in columns can also be found in other epigraphically surviving texts such as the *Res Gestae* and several surviving *Fasti*;¹⁰ outspacing is similarly used in other texts, such as several *Fasti*¹¹ and the religious *Acta Arvalia*;¹² and all these elements combined - with the addition also of the use of a larger letter size for prescripts - can be found in Trajan's *Tabulae Alimentariae* of Veleia (*CIL* 11.1147) as well as *Ligurum Baebianorum* (*CIL* 9.1455).

Extensive research has already been done on certain epigraphic aspects of Roman statutes, such as graphemics¹³ and punctuation¹⁴ and this paper will, for that reason, not revisit these topics. It will, however, deal with such issues as tablet material and format, text format, prescripts and letter size, spacing and numbering. This paper will attempt to provide solutions to largely unanswered research questions such as: Can we distinguish a fixed set of tablet and text formats within Roman statutes?; Can these formats tell us anything about the process of publication?; Was the drafting process standardised in Roman statutes?; Did conventions regarding this drafting process change over time?

⁶ Also cf. Crawford (1996, 33) and Williamson (2005, 312), *contra* Williamson (1987, 160-83).

⁷ Cf. Williamson (1987, 160-83); Cooley (2012, 169-71).

⁸ See, for instance, the *Senatusconsultum de Bacchanalibus* (*CIL* 1².581).

⁹ Cf. Section 2.

¹⁰ Cf., for instance, the *Fasti Praenestini* and *Fasti Triumphales*.

¹¹ *Ibid.*

¹² Consider, e.g., those of 59 AD (*CIL* 6.2041).

¹³ Cf. Lepore (2010).

¹⁴ Cf. Wingo (1972, 68-82).

2. TABLET MATERIAL AND FORMAT

It is well attested that the standard material for the inscription of Roman statutes was bronze.¹⁵ As Pliny the Elder (*NH* 34.99) explains, bronze was considered to be a ‘perpetual’ material and thus fit for the engraving of *publicae constitutiones* or ‘public enactments’, which were, of course, intended to last.¹⁶ There are, however, several epigraphically surviving statutes which have been inscribed on stone or marble instead. In the scholarship at large, these are usually either not mentioned at all or simply dismissed as exceptions.¹⁷ However, there is a unifying factor amongst these ‘exceptions’: they were all (partly) written in Greek and all found in the Greek-speaking parts of the Roman Empire. Consider, for instance, the only four epigraphically surviving texts in the corpus collected by Crawford (1996) which were not written on bronze: the *Lex de Prouinciis Praetoriis* (LPP, written in Greek, found on two copies in Delphi and Cnidos respectively), the *Lex Gabinia Calpurnia de Insula Delo* (LID, *CIL* 12.2500, bilingual Latin / Greek, found in Mykonos), the Ephesus fragment (EF, written in Greek, found in Ephesus) and the Cos fragments of the *Lex Fonteia* (LF, written in Greek, found in Cos). The Delphi copy of the LPP consists of “parts of three [stone] blocks forming three courses of the monument of L. Aemilius Paullus”,¹⁸ whereas the Cnidos copy consists of three stone slabs. The LID is similarly preserved on a stone slab, while the EF and LF are both preserved on fragments of a marble stele. This general division between the use of bronze and stone for official inscriptions in the Latin speaking ‘West’ and Greek speaking ‘East’ respectively has already been investigated at length by Eck (2014, 127-51),¹⁹ though the consistency in this regarding Roman statutes is striking. We can thus safely conclude that Roman statutes had to be written on bronze, with the exception of those intended for the Greek speaking parts of the Empire, where the original early Greek tradition of inscribing on stone was kept.²⁰

It might be interesting, however, to investigate whether, next to a standard material, there was also a standardised format? That is to say, were there any conventions - whether prescribed or implied - regarding the height and width of these bronze tablets? It is clear that there does seem to have been a standardised format for certain unpublished Roman legal documents inscribed on bronze, such as military diplomata.²¹ However, at first sight, this seems much less the case regarding statutes. Indeed, they are internally uniform: i.e. if a law is inscribed on more than one tablet, these tablets will usually be consistent in either height or width, depending on the textual format (cf. *infra*), for the sake of visual appeal, although overall standardisation seems less obvious. Nonetheless, if the correct diachronic and synchronic divisions are made, one can detect certain patterns. As I shall discuss below (cf.

¹⁵ For an extensive overview of attestations in the literary sources, cf. Crawford (1996, 25-6). Also cf. Williamson (1987); Meyer (2004, 26-7); Cooley (2012, 170); Cleary (2013, 225); Revell (2013, 236).

¹⁶ Also cf. notion of *aes perennius* in Horace (*Carm.* 3.30); Williamson (1987, 169); Bodel (2001, 23); Corbier (2013, 23-4).

¹⁷ Scholars generally simply tend to state that *some* statutes were exclusively inscribed on bronze: cf. Williamson (1987, 160) or that statutes were *routinely* engraved on bronze: cf. Cleary (2013, 225).

¹⁸ Crawford (1996, 232).

¹⁹ Also cf. Eck (2009, 94); Crawford (1996, 28).

²⁰ Cf. Thomas (2005, 43-4); Gagarin (2008, 122).

²¹ Cf. Collingwood and Wright (1990, 2).

section 3), there are two main textual formats in which Roman statutes appear after the *Tabula Bembina* - on which the *Lex Repetundarum* (CIL 12.583) and *Lex Agraria* (CIL 12.585) are inscribed - and connected with this we can distinguish two separate tablet formats from this time onwards. Tablets which contain several columns of texts have a ‘landscape’ type orientation,²² whereas tablets which were inscribed over their entire width have a ‘portrait’ type orientation.²³ Consider the values of the following tablets²⁴ - and in the case of the LPP stone slabs - which have survived on their whole:

Table 1

Columned Statutes	Height (cm)	Width (cm)
LPP (Cnidos 1)	85	152
LPP (Cnidos 2)	85	115
LPP (Cnidos 3)	82	126
<i>Lex C. de XX Quaestoribus</i> (CIL 12.587)	81	108.5
<i>Lex A. de Termessibus</i> (CIL 12.589)	83	105
<i>Lex de Gallia Cisalpina</i> (CIL 12.592)	54	72
LCG ²⁵ A	59.5	91.5
LCG B	59	91.5
LCG C	59.5	162
LCG E ²⁶	60.5	93.5
<i>Lex Flauia Malacitana</i> (CIL 2.1964)	89-94	122-130
<i>Lex Flauia Irnitana</i>	57.5	91.5

Table 2

Uncolumned Statutes	Height (cm)	Width (cm)
<i>Tabula Heracleensis</i>	184	38
<i>Lex de Imperio Vespasiani</i> (CIL 6.930)	164	113

Next to the division between the ‘landscape’ (*Table 1*) and ‘portrait’ (*Table 2*) types of orientation, we can also make at least one other important observation regarding tablet format. It seems to be the case - particularly for *Table 1* - that tablet height was quite standardised. Originally, the standard height seemed to have been between 80-85cm, whereas from the time of the *Lex de Gallia Cisalpina* onwards - i.e. the second half of the first century BC²⁷ -, the standard height was between 54-61cm. Interestingly, even the Cnidos copy of the LPP fits this argument, in spite of having been inscribed on stone slabs,

²² That is, a higher value for width than height.

²³ That is, a higher value for height than width.

²⁴ The tablets have been ordered chronologically - that is, with regard to the date of inscription - as far as possible, following Crawford (1996).

²⁵ LCG = *Lex Coloniae Genetivae*, also known as the *Lex Ursonensis* (CIL 12.594).

²⁶ I have not included tablet D of the *Lex Coloniae Genetivae*, as we only have fragments of it.

²⁷ It is generally dated between 49-42 BC, cf. Ewins (1955, 92); Laffi (2001, 245).

which suggests an imitation of the format of bronze tablets.²⁸ Only the *Lex Flauia Malacitana* does not appear to fit the argument. However, this tablet is exceptional anyway in that it has very irregular margins at its top and bottom. That only height is standardised is not surprising. The width of a single tablet did not really matter as, in the case of columned laws, tablets of the same law were most likely published next to each other.²⁹ Also interesting is the shift in format during the Caesarian period. As we shall see below, standard tablet height is not the only epigraphic convention that changes during this period.

3. TEXT FORMAT

As Crawford (1996, 24) states, “no statutes after the two on the Tabula Bembina are known to have been inscribed in long lines covering the entire width of a single wide tablet.” The two laws in question, i.e. the *Lex Repetundarum* (LR) and *Lex Agraria* (LA), have already been briefly mentioned above. They were engraved on either side of this bronze tablet, of which only twelve fragments survive and the LR is generally believed to be older than the LA.³⁰ Both laws date back to the second half of the 2nd century BC and are thus amongst the oldest - if not the oldest - epigraphically surviving Roman statutes.³¹ These two early statutes do indeed have an exceptional text format, which is best exemplified by calculating the amount of letters per line. Estimates of line length for the LR are in the vicinity of 340 letters, whereas those for the LA are at either side of 380 letters.³² When we calculate the line length in later statutes, the values are significantly lower. As briefly mentioned above, the inscribed text seems to have evolved into two separate formats after these two laws: firstly, the columned text and, secondly, uncolumned texts - i.e. texts inscribed over the entire width of a narrower bronze tablet. I will thus once again make a division accordingly. Consider the following values:³³

²⁸ I have not included the Delphi copy of the LPP, as this was inscribed on a monument rather than engraved on separate stone slabs (cf. *supra*), making its values for height and width redundant with respect to the argument.

²⁹ This is clear from the fact that when prescripts were written in columned statutes, they were written above the text of the statute, across several tablets (cf. section 4). Further evidence is provided by the Delphi copy of the LPP, where the first stone slab contains “Columns I, II, III and the left-hand edge of Column IV”, the second stone slab contains “the right-hand part of Column IV and the left-hand part of Column V” and the third stone slab contains “the right-hand edge of Column V” (Crawford, 1996, 232).

³⁰ Cf. Hardy (1912, 1); Tellegen-Couperus (1993, 50); Crawford (1996, 52).

³¹ The date for the LA is generally agreed to be 111 BC - cf. Hardy (1912, 1); Hardy (1913, 101); Tellegen-Couperus (1993, 50); Crawford (1996, 53) -, as is revealed by the reference to the prevailing consulship of *P. Cornelius* and *L. Calpurnius* in l. 95 of the *lex*. The date for the *Lex Repetundarum* is less clear: it is usually considered to be 123 - 122 BC: cf. Tibiletti (1953, 37ff.); Fraccaro (1957, 30); Lintott (1992, 16); Williamson (2005, 199); however, Mattingly (1970, 156-8) - following Klenze (1825) - argues for a date at the very end of the 2nd century BC. Also on the debate cf. Nicolet (1972, 200-2). Given the epigraphic evidence and the fixed date of the LA, the earlier date seems more likely.

³² Cf. Crawford (1996, 51).

³³ I have only included the values for those statutes in which at least one full line appears or where good estimates regarding line length can be made. The statutes have once again been chronologically ordered as far as possible.

Table 3

Columned Statutes	Average Line Length (n° of letters)
LPP (Cnidos)	30-50
<i>Lex C. de XX Quaestoribus</i>	35-50
<i>Lex Tarentina</i> (CIL 1 ² .590)	50-65
<i>Fragmentum Atestinum</i> (CIL 1 ² .600)	40-50
<i>Lex A. de Termessibus</i>	35-50
<i>Lex de Gallia Cisalpina</i>	45-60
LCG A, B, C, D?, E.1	35-50
LCG E.2, E.3 ³⁴	40-70
<i>Lex Flauia Salpensana</i> (CIL 2.1963)	55-65
<i>Lex Flauia Malacitana</i>	30-35
<i>Lex Flauia Irnitana</i>	50-60

Table 4

Uncolumned Statutes	Average Line Length (n° of letters)
<i>Lex Latina Tabulae Bantinae</i> (CIL 9.416)	110-115 ³⁵
<i>Fragmentum Tarentinum</i> (CIL 1 ² .2924)	140-155 ³⁶
LPP (Delphi)	105-125 ³⁷
<i>Tabula Heracleensis</i>	80-100
<i>Lex de Imperio Vespasiani</i>	50-60

As we can deduct from these numbers, both text formats appear to have a fairly uniform average line length when we take into account that it is normal for the average line length in a single tablet to have extremes up to 30 letters apart, often without this being visually noticeable.³⁸ For columned statutes, the average amount of letters per line is between 30 and 70, whereas for uncolumned statutes, the average amount of letters per line is between 80 and 155. The only exception to this is the *Lex de Imperio Vespasiani*, the values of which are significantly lower than the average values for uncolumned statutes. There might be several explanations for this. Firstly, this ‘lex’ does, in fact, take on the form of a *rogatio* rather than that of a *lex* in all respects, including a retention of the subjunctive instead of a conversion into a series of *-to* imperatives, which might account for the lower values.³⁹ Secondly, as we can see from Table 4, there does seem to be an evolution towards shorter line length over time in uncolumned statutes, perhaps with the aim to further improve the legibility of these particular laws. Also noteworthy is that both the Cnidos and Delphi

³⁴ The values for the second and third columns of tablet E of the LCG are a little higher than those of the other columns and tablets.

³⁵ Cf. Crawford (1996, 195).

³⁶ Cf. Crawford (1996, 210).

³⁷ Cf. Crawford (1996, 234).

³⁸ Consider the average line length for each statute in Table 3.

³⁹ Cf. Crawford (1996, 10; 550).

copies of the LPP have values which fit perfectly with the standardised averages for either format, in spite of being engraved on stone. This suggests further imitation of the tablet and text formats of those statutes engraved on bronze. Moreover, even the Oscan law of the *Tabula Bantina*, which is generally highly influenced by Latin legal legalese,⁴⁰ shows an imitation of Roman statutory text format. This was clearly a columned law, as is shown by the fact that several cut-off letters appear at the right hand edge of the tablet and its values for line length fit in perfectly with that of Roman statutes: 60-70 letters per line, providing further evidence to widespread standardisation or imitation. It should also be noted that, over the course of the Principate, the Emperor's edict often started to imitate the epigraphic form and layout of statutes, which is undoubtedly connected to its increasing power as a newly developing form of legislation.⁴¹ The fact that these imperial edicts copied the style of statutes upon becoming legislative documents themselves provides a further indication of to what extent this particular text format, as well as several other epigraphic conventions discussed in this paper, were connected to statutes.

The question remains, however, as to why we find this shift in text format after the LR and LA. The answer is probably quite simply legibility.⁴² Laws like the LR and LA must have been incredibly difficult to read with their average line length of 340 and 380 letters respectively. Arranging the text in columns or inscribing the text on narrower bronze tablets would have improved their legibility significantly. But why these two separate formats? When investigating these tablets, we find that it isn't only text structure and tablet size which differentiate the two different formats. It does, so far, not seem to have been noticed that all columned statutes on bronze in *Table 3* contain nail holes, whereas the uncolumned statutes on bronze tablets in *Table 4* lack nail holes.⁴³ The exceptions to this are the *Lex Latina Tabulae Bantinae*, which does contain nail holes, and the *Fragmentum Tarentinum*, which contains "traces of a clip on the right edge."⁴⁴ However, both laws are generally dated towards the very end of the 2nd century BC.⁴⁵ Their chronological proximity to the LR and LA might thus account for their text structure in that they represent an intermediate stage in the evolution of the text format of displayed statutes resulting in a gradual improvement of legibility. Could it thus be that the two different text formats are representing the two different processes in the publication of *leges*?⁴⁶ As yet, it has not been observed that the nail holes might indicate that columned laws were intended to be put up and displayed in public areas, whereas the lack of nail holes in uncolumned statutes might indicate that they were meant to be stored in the *aerarium*. The explanation as to why these two different formats might have been used is also logical: columned text is easier to read and thus ideal for

⁴⁰ Cf. Decorte (forthcoming).

⁴¹ Cf., for instance, the bronze Lyon Tablet (*CIL* 13.1668), containing an edict of Claudius. It copies the layout and epigraphy of published statutes not only in terms of line-length, but also in terms of outspacing, empty spaces, etc.

⁴² Also cf. Crawford (1996, 24; 32).

⁴³ The two copies of the LPP are, of course, not taken into account in this, since they were written on stone.

⁴⁴ Cf. Crawford (1996, 209).

⁴⁵ Cf. Crawford (1996, 195-7). Mommsen (*CIL* I², p. 441) put the date even earlier, between 133 - 118 BC, assuming this to be one of the agrarian laws of the Gracchan period, though a connection with the *Lex Apuleia* of 103 BC seems more likely (cf. Crawford, 1996, 197).

⁴⁶ Cf. Introduction.

putting up in public spaces, while uncolumnd text saves space and is thus ideal for the purpose of storage. The fact that the *Tabula Heracleensis* was not found in Rome does not pose any problems, as this statute is, quite clearly, a municipal law which was most likely engraved locally,⁴⁷ and would thus have been stored at a local treasury. Unfortunately, we lack a large enough corpus - particularly in the case of uncolumnd statutes - for any conclusive arguments to be made regarding this matter. Nonetheless, this theory fits well with the evidence as well as the account of the two processes of publication in the literary sources.⁴⁸

4. PRESCRIPTS AND LETTER SIZE

When investigating Roman statutes, it becomes clear that there is also some degree of standardisation regarding letter height in the main body of text. Nearly all roman statutes have an average letter height between 0.5-1.5cm for the body text. However, as briefly mentioned above, some epigraphically surviving statutes also contain evidence of so-called prescripts, which, as we have pointed out, were written across the top of one or more tablets.⁴⁹ The statutory prescript is a type of introductory heading which identifies the statute itself, including the name of the *lator* or ‘proposer’ of the law, the date and place of the assembly and the first tribe and person to vote, all with full titles.⁵⁰ Interestingly, these prescripts are marked out by a letter size which is much larger than that of the body text. This practice was already common at the time of the LR and LA. However, in these early laws, the letter size of these prescripts seemed to have been anywhere between 50% and 100% larger than the body text, whereas the prescripts in later laws seem to have a letter size closer to the fivefold of letters in the body text. Consider the following values:⁵¹

Table 5

Letter Height	Body Text (cm)	Prescript (cm)
LR	0.5-0.6	1
LA	4.5-5.5	0.8
<i>Lex C. de XX Quaestoribus</i>	1	5
<i>Lex A. de Termessibus</i>	1	5.5
Veleia Fragment II (<i>CIL</i> 12.599)	0.4	2.3

Thus, the evolution towards a larger differentiation regarding the letter size of prescripts as opposed to that of the main body of text seems apparent, though there is once again a lack of a substantial amount of evidence. It would, nonetheless, make sense for laws

⁴⁷ Cf. Crawford (1996, 357).

⁴⁸ Cf. Introduction.

⁴⁹ It is clear that not all statutes would have contained such prescripts, cf. Crawford (1996, 24).

⁵⁰ Cf. Taylor (1990, 129); Lintott (1992, 17); Williamson (2005, 113).

⁵¹ Only those laws for which we have a clear separate prescript at the top of the tablet have been taken into account.

after the LR and LA to have a larger differentiation in letter size, as this would, undoubtedly, have further improved the legibility as well the ease of identification of statutes. It should be noted that when a prescript runs over into a second and third line, the letter size in these subsequent lines will usually be smaller than that of the first line of the prescript, though still larger than that of the body text. Thus, the second and third line of the prescript in the *Lex A. de Termessibus* have a letter size of 3.5cm, whereas the second line in the Veleia Fragment II has a letter size of 1cm. As opposed to prescripts, subtitles which appear within the main body of text are not marked out by means other than letter size (cf. section 5.2). The only exception to this is the subtitle indicating the *sanctio* in l.33 of the *Lex de Imperio Vespasiani*, though, as we have seen, this law has the form of a *rogatio* and is thus exceptional on many levels. Also noteworthy is the fact that when we do find the name of the statute together with the tablet number at the very top of a statute, the letter size of this headnote is usually similar to that of the main body of text, which sets it apart clearly from the prescript.⁵²

5. SPACING

Spacing has several important functions in Roman statutes. Leaving space at the edges of the tablet as well as in between columns could, in the first place, help towards readability and, secondly, would also provide for space in which nails could be fixed. Moreover, empty space beneath the final lines of a statute highlights its end⁵³ and can thus, for instance, draw the reader's attention to the closing formula or *sanctio*, which was in most cases mainly aimed at warning the reader about penalties in the case of neglect of the statute's content or aimed at preventing its own repeal.⁵⁴ In this section, I will, however, be mainly interested in the use of empty spacing within the text itself. In this, I will divide spacing up into two separate sections, which each have a different function or set of functions: firstly, I will briefly discuss outspacing and, secondly, I will investigate the functions of empty spaces.

5.1 Outspacing

Outspacing refers to the reverse indentation of the first line of a paragraph, which is also known as a 'hanging indent'. This is, once again, a feature that we only find in laws after the LR and LA. Interestingly, however, it does not only appear in columned statutes, but in fact also in uncolumned statutes. Thus, we find it in the Cnidos copy of the LPP, the *Lex C. de XX Quaestoribus*, the *Lex Tarentina*, the *Fragmentum Atestinum*, the *Lex A. de Termessibus*, the *Tabula Heracleensis*, the *Lex de Gallia Cisalpina*, the LCG, the *Lex Valeria Aurelia*, the *Lex de Imperio Vespasiani* as well as in the Flavian municipal statutes.

⁵² Cf. The headnotes *VIII de XX q(uaestoribus)* in the *Lex C. de XX Quaestoribus* and *I de Termesi(bus) Pisid(is) Mai(oribus)* in the *Lex A. de Termessibus*.

⁵³ The clearest example of this is the *Tabula Heracleensis*.

⁵⁴ Cf. Crawford (1996, 20-24) for a full discussion of the different functions of the *sanctio*.

Most of the other laws are either fragmentary or have a missing left hand side, for which reason the evidence for outspacing might simply be lacking. Due to the consistency with which the hanging indent appears after the LR and LA, we should nonetheless assume that this would have also appeared in these fragmentary laws.⁵⁵ The function of outspacing is clear: it is used to indicate the start of a new paragraph. This mostly happens in combination with an empty space after the preceding line (cf. 5.2). It is nonetheless a feature that more consistently divides up paragraphs, as preceding paragraphs sometimes simply finish exactly at the end of a line.⁵⁶ It might thus have been invented as a way of getting round the problem of a lack of clear paragraph distinction due to very small or even non-existing empty spaces at the end of previous paragraphs.

5.2 Empty spaces

The empty space seems to have several functions within Roman statutes. However, one function is by far the most common and well-known: it is, as mentioned above, particularly used at the end of paragraphs in order to indicate the start of a new paragraph. The extent to which this is its dominant function is best shown by a summary of the amount of empty spaces used for paragraph division as opposed to the total amount of empty spaces found within the following statutes:⁵⁷

Table 6

Empty Spaces	Paragraph Division (n°)	Total (n°)
LA	30	33
<i>Lex Latina Tabulae Bantinae</i>	3	7
<i>Fragmentum Tarentinum</i>	0	2
LPP (Cnidos)	6	8
LPP (Delphi) ⁵⁸	7	7
<i>Lex C. de XX Quaestoribus</i>	4	4
<i>Lex Tarentina</i>	4	4
<i>Lex A. de Termessibus</i>	4	6
LID	0	1
<i>Tabula Heracleensis</i>	25	25
<i>Lex de Gallia Cisalpina</i>	3	4
LCG	48	51
Susa Fragments	0	2
<i>Lex Valeria Aurelia</i>	7	9
<i>Lex de Imperio Vespasiani</i>	6	9
Total	147	172

⁵⁵ Consider, for instance, the case of the Tarentum Fragment: cf. Crawford (1996, 210).

⁵⁶ Cf., for instance, the *Lex Tarentina* l. 6-7; *Fragmentum Atestinum* l. 9-10; *Lex A. de Termessibus*, 1.26-7, 2.30-31; *Lex de Imperio Vespasiani* l. 2-3, 28-9.

⁵⁷ I leave out the LR and Flavian municipal laws from Table 6 for reasons discussed below.

⁵⁸ The empty spaces in this law consist of single and double space bars which are used to divide up the paragraphs in this continuous text.

Thus it is clear that, overall, 85% of empty spaces in these statutes are used for the division of paragraphs. Several fragments of statutes lack enough context for an investigation of empty spaces, however, there are a few *leges* notably absent from this table. Firstly, I have not included the LR and, secondly, the municipal laws from the Flavian period have been left out. In these laws, empty spaces have a major function other than the indication of new paragraph, though nonetheless somewhat connected to it. In the LR, 42 out of the 49 epigraphically surviving empty spaces are used to mark out subtitles, appearing on either side of them. Given that these subtitles of the type *vacat de patrono reputando vacat* (l. 11) or *vacat praetor ut ei interroget vacat* (l. 35) in themselves already indicate the start of a new topic, there was of course no need to further highlight the start of a new paragraph in this continuous text. Similarly, many of the empty spaces in the Flavian municipal laws are used to indicate subtitles, again appearing on either side of them. It is, however, noteworthy that the empty space preceding these subtitles is usually crossed by a horizontal line connected to the letter R of *Rubrica*, which is the first word of the subtitles in these municipal laws. As these municipal laws are columned statutes, they did also contain empty spaces at the end of paragraphs on top of this. The marking of subtitles with empty spaces also accounts for some of the functions of empty spacing other than the division of paragraphs in the laws of Table 6. Thus, for instance, we find the subtitle indicating the *sanctio* in l. 33 of the *Lex de Imperio Vespasiani* surrounded by empty space.

However, even paragraph division and the marking of subtitles do not account for all cases of empty spacing in Roman statutes. It also appears to be the case that empty spaces sometimes highlight important formulaic phrases. Thus, in l. 4 of the *Lex A. de Termessibus*, we find the important formulaic phrase *preimus sciuit* ‘he was the first to vote’ surrounded by two empty spaces on either side. Similarly, we consistently find empty spacing surrounding the well-known closing formula *si quid sacri sancti est, quod non iure sit rogatum, eius hac lege nihil rogatur*.⁵⁹ This is, for instance, the case in the *Fragmentum Tarentinum* l. 26, LID l. 36 as well as in the Todi fragment of the *Lex Valeria Aurelia* l. 14.⁶⁰ In terms of other significant elements marked out by spacing, we also seem to find certain political titles highlighted by empty spaces. For instance, in l. 78 of the LR, we find *praetor* highlighted thus and in l. 79, *iudex*. In the *Fragmentum Tarentinum* l. 26, we find *tr(ibuni) pl(ebis)* marked out by empty spaces. However, these are rare examples and the gaps might simply be random.⁶¹ Also noteworthy is the empty space in l. 1.27 of the *Lex de Gallia Cisalpina*. The empty space occurs after *d(um)t(axat) HS*, which is the sign for *sestertius*. It does seem to be the case that the empty space was left intentionally, perhaps for someone else to add the amount later on. Interestingly, no space is left after another occurrence of the verb *d(um)t(axat)* in l. 1.36, nor is the sign for *sestertius* included. However, this verb appears at the end of the line and perhaps the amount was supposed to be inscribed in the

⁵⁹ This closing formula, usually abbreviated to *S.Q.S.S.E.Q.N.I.S.R.E.H.L.N.R.*, was, for instance, discussed by Valerius Probus (3.13). Also cf. Crawford (1996, 23); Mommsen (2010, 335 n.2). The idiosyncratic spacing surrounding this formula was also noticed by Crawford (1996, 218).

⁶⁰ This formula also appears in the *Lex Latina Tabulae Bantina*, though only part of the formula is preserved and context is lacking.

⁶¹ Concerning the LR, Crawford (1996, 42) states that “there are apparently random gaps in ll. 22, 74, 78 and 79.”

margin. In l. 2.19, however, the amount has been included after *dumt(axat)*, just as the amount was included after *HS* in l. 2.4. It is difficult to make out whether these were later additions or not.

Those statutes written in Greek once again follow the same epigraphic conventions. Both the Cnidos and Delphi copies of the LPP mainly use it for the division of paragraphs. Unfortunately, the *Lex Fonteia* is too fragmentary and thus lacks too much context for an investigation of empty spaces. As with text format (cf. section 3), the Oscan law of the *Tabula Bantina* also imitates conventions regarding empty spacing in Roman statutes. Empty spaces are clearly used to divide paragraphs in this Oscan statute, though at the same time they also highlight important formulaic phrases, which are in each case placed at the end of a paragraph: cf. variations of the formula *suae pis herest meddis moltaum licitud ampert mistreis aeteis eituas licitud.* ^{vacat} ‘if any *meddis* wants to fine, it is to be allowed, provided that it is less than half of his estate, it is to be allowed’ in l. 12-13, 17-18, 26-27, A4-5. This is equally the case in many Roman statutes, where important formulae are often placed at the end or start of a paragraph and thus also highlighted by the empty space. Consider the LA:

neiue adsignatum esse neiue fuisse iudicato. ^{vacat} (57)

adsignat<um> esse iudicato. ^{vacat} (62)

adsignatum fuisse iudicato. ^{vacat} (68)

^{vacat} *Iluir, q[uei ex h(ac) l(ege) factus creatusue erit]* (58)

^{vacat} *Iluir, quei [ex h(ac) l(ege) factus]* (61)

^{vacat} *Iluir, quei ex h(ac) l(ege) factus creatusue erit* (78)

^{vacat} *quoi colono eiue, quei in colonei numero scriptus est* (66)

^{vacat} *quoi colono eiue, quei in colonei numero scriptus est* (67)

To summarize, empty spaces in Roman statutes appear to have at least three major functions:

- i. Dividing paragraphs;
- ii. Marking out subtitles;
- iii. Highlighting important formulaic phrases (and, perhaps, other significant elements)

As discussed, there is potentially also a fourth function in that they might have provided space for values regarding money or, perhaps, any type of measurement to be added later on, though the *Lex de Gallia Cisalpina* might be an isolated case in this respect. In any case, it is clear that the three functions mentioned above are the most common and clearly distinguishable functions of empty spaces in Roman statutes.

6. NUMBERING

At least from the time of the *Lex C. de XX Quaestoribus* of 81 BC,⁶² though probably from a time much earlier than this,⁶³ the practice of numbering tablets in columned statutes was widespread. Next to the *Lex C. de XX Quaestoribus*, numbering of the tablet(s) can, for instance, also be found in the *Lex Tarentina*, the *Lex A. de Termessibus* and the *Lex de Gallia Cisalpina*. The number usually appears at the left-hand side of the upper margin, though in the case of the *Lex de Gallia Cisalpina*, it was inscribed at the top of the tablet in between the two columns. The numbering of chapters within the text of the statute itself, on the other hand, appears to be a later practice. Only from Caesarian period onwards do we often find chapter numbers within the text.⁶⁴ These chapter numbers are consistently written in the margin to the left of the second line of each chapter and thus right underneath the outspaced part of the first line of the chapter.⁶⁵ Examples of this can be found in the *Lex de Gallia Cisalpina*, the LCG and the Flavian municipal laws. It should be noted that jurists might have started numbering chapters of statutes some time before these were attested epigraphically.⁶⁶ Cicero (*Leg. Ag.* 1.4), for instance, refers to the numbers of several chapters of a *rogatio* promulgated in 64 BC.⁶⁷ Indeed, ancient conventions die hard, though it is imaginable that once the numbering of chapters was widespread in juridical textbooks and commentaries, the necessity arose for published statutes to follow suit.

7. CONCLUSIONS

I hope to have pointed out several interesting patterns, evolutions and distributions regarding layout and epigraphic conventions in Roman statutes. I will, however, particularly focus on two important conclusions which can be drawn from this research.

1) We can firstly conclude that there is a significant level of standardization with respect to tablet format, text format, average letter size, functions of spacing and use of numbering. Thus, every epigraphic aspect investigated in this paper shows some level of standardization, which points to a centralized drafting system, most likely composed of professional *scribae* or ‘draftsmen’ who were based in the *aerarium* at Rome.⁶⁸ In the case of tablet and text format, we have noted a two-fold division after the LR and LA, which, as

⁶² For the date cf. Bruns (1887, 88); Bleicken (1975, 67 n.26); Schiller (1978, 231 n.18).

⁶³ Cf. What looks like the Greek letter gamma or Latin letter F inscribed on the bottom of the *Fragmentum Tarentinum* - generally dated towards the end of the 2nd century BC - which would indicate that this is the third or sixth tablet of this statute respectively, cf. Crawford (1996, 209-10).

⁶⁴ Crawford (1996, 25), on the other hand, argues that it is during the Flavian period that chapters start getting numbered and that the *Lex de Gallia Cisalpina* is an exception. We simply do not have much evidence for the period in between the Caesarian and Flavian eras, thus it seems odd to assume that this law is an exception.

⁶⁵ The only exception to this are chapters 99 and 131 of the LCG, where the number was engraved at the bottom of the tablet below the column. It is not unlikely that the numbers of the LCG were thus added later on, cf. Kiessling (1921, 258); Crawford (1996, 395).

⁶⁶ Crawford (1996, 25)

⁶⁷ Cf. Crawford (1996, 25; 757ff.).

⁶⁸ Cf. Jones (1949, 38-55); Sherk (1969, 18-19).

we have seen, might be connected to the two processes of publication. It is uncertain whether this standardization mainly arose out of a strong tradition of imitation - after all, these *scribae* always had a wealth of examples in the form of other published laws - or whether there did indeed exist a set of prescribed epigraphic rules and instructions. In either case, there must, at the very least, have been some concept of a 'proper way' to draft statutes, as the evidence suggests.

2) Secondly, we can conclude that these epigraphic conventions did undergo certain evolutions. Particularly during the Caesarian period several conventions changed, such as tablet format and chapter numbering, though text format, for instance, seems to have undergone a more gradual development, as we have seen. Interestingly, all epigraphic changes were greatly beneficial towards legibility. The shorter tablet height from the Caesarian period onwards, the shorter line length after the LR and LA, the increase in contrast between the letter size of the prescript and body text after the LR and LA, the outspacing of the first line of a paragraph after the LR and LA and the numbering of chapters from the Caesarian period onwards, all would have improved legibility significantly. In this, we can also clearly discern two important periods for such improvements of legibility: the end of the second century BC and the Caesarian period. Moreover, at least from the first century BC onwards, the letters engraved on the tablet would have been filled with white lead in order to strengthen the contrast with the bronze background.⁶⁹ All this points to a continual strive towards improving legibility and thus counters arguments made by Williamson (1987) and Cooley (2012, 169-71) that Roman statutes on bronze were not intended to be read. As discussed in the introduction of this paper, the question of literacy is of little import with respect to this debate. That statutes were intended to be read does, of course, not mean that they did not have a symbolic value as well. Indeed, these bronze tablets reminded the onlooker of Roman rule and law. However, they would have rather missed their effect if they could not also lucidly inform potential readers or listeners about the content of this law.

Bibliography

- Ando, C. (2000). *Imperial Ideology and Provincial Loyalty in the Roman Empire*. Berkeley.
- Black, H. (1990). *Black's Law Dictionary*, 6th edition, St. Paul (MN): West.
- Bleicken, J. (1975). *Lex Publica: Gesetz und Recht in der Römischen Republic*. Berlin.
- Bodel, J. (2001). Epigraphy and the Ancient Historian. In: Bodel, J. (ed.) *Epigraphic Evidence: Ancient History from Inscriptions*. Oxford.
- Bruns, C. (1887). *Fontes Iuris Romani Antiqui*. Freiburg.
- CIL = Corpus Inscriptionum Latinarum* (1863-). Berlin.

⁶⁹ Traces of white lead survive in the *Lex Tarentina* and *Tabula Heracleensis*, cf. Crawford (1996, 301; 357).

- Cleary, S. (2013). The City as Preferred Written Space: The Case of Aquitania. In: Sears, G.; Keegan, P. and Laurence, R. (eds.) *Written Space in the Latin West, 200 BC to AD 300*. London, pp. 217-30.
- Cooley, A. (2012). *The Cambridge Manual of Latin Epigraphy*. Cambridge.
- Corbier, M. (2013). Writing in Roman Public Space. In: Sears, G.; Keegan, P. and Laurence, R. (eds.) *Written Space in the Latin West, 200 BC to AD 300*. London, pp. 13-48.
- Collingwood, R. and Wright, R. (1990). *The Roman Inscriptions of Britain, vol. 2 Instrumentum Domesticum* (ed. S. Frere, R. Tomlin), Fascicule 1. Gloucester, pp. 1-28.
- Crawford, M. (1996). *Roman Statutes*. London.
- Decorte, R. (forthcoming). Sine Dolo Malo: The Influence and Impact of Latin Legalese on the Oscan Law of the Tabula Bantina. *Mnemosyne*.
- Eck, W. (2009). Öffentlichkeit, Politik und Administration. Epigraphische Dokumente von Kaisern, Senat und Amtsträgern in Rom. In: Haensch, R. (ed.) *Selbstdarstellung und Kommunikation: Die Veröffentlichung staatlicher Urkunden auf Stein und Bronze in der römischen Welt*. München, pp. 75-96.
- Eck, W. (2014). Documents on Bronze: A Phenomenon of the Roman West?. In: Bodel, J. and Dimitrova, N. (ed.) *Ancient Documents and their Contexts: First North American Congress of Greek and Latin Epigraphy*. Leiden, pp. 127-51.
- Ewins, U. (1955). The Enfranchisement of Cisalpine Gaul. *PBSR*, 23, pp. 73-98.
- Fraccaro, P. (1957). *Opuscula 2, Studi sull'Età della Rivoluzione Romana, Scritti di Diritto Pubblico, Militaria*. Pavia.
- Gagarin, M. (2008). *Writing Greek Law*. Cambridge.
- Hardy, E. (1912). *Roman Laws and Charters*. Oxford.
- Hardy, E. (1913). Notes on the Lex Iudiciaria of G. Gracchus, the Lex Servilia of Caepio and the Lex Thoria. In: Wright, W.; Bywater, I. and Jackson, H. (eds.) *The Journal of Philology*, vol. 32. London, pp. 96-106.
- Jolowicz, H. and Nicholas, B. (1972). *Historical Introduction to the Study of Roman Law*. Cambridge.
- Jones, E. (1949). The Roman civil service (clerical and sub-clerical grades). *JRS*, 39, pp. 38-55.
- Kießling, E. (1921). Zur Lex Ursonensis. *Klio*, 17, 258-60.
- Klenze, C. (1825). *Fragmenta Legis Serviliae Repetundarum*. Berlin.
- Laffi, U. (2001). *Studi di Storia Romana e di Diritto*. Rome.
- Lepore, P. (2010). *Introduzione allo Studio dell'Epigrafia Giuridica Latina*. Milan.
- Lintott, A. (1992). *Judicial Reform and Land Reform in the Roman Republic*. Cambridge.
- Mattingly, H. (1970). The Extortion Law of the Tabula Bembina. *JRS*, 60, pp. 154-68.
- Meyer, E. (2004). *Legitimacy and Law in the Roman World*. Cambridge.
- Miceli, M. (2008). *Studi sulla Rappresentanza nel Diritto Romano*. Milan.
- Millar, F. (1998). *The Crowd in Rome in the Late Republic*. Ann Arbor.

- Mommsen, T. (2010). *Römisches Staatsrecht*. Cambridge.
- Nicolet, C. (1972). Les Lois Judiciaires et les Tribunaux de Concussion. *ANRW*, 1, 2, pp. 197-214.
- Revell, L. (2013). The Written City: Political Inscriptions from Roman Baetica. In: Sears, G.; Keegan, P. and Laurence, R. (eds.) *Written Space in the Latin West, 200 BC to AD 300*. London, pp. 231-246.
- Robinson, O. (1997). *The Sources of Roman Law: Problems and Methods for Ancient Historians*. London.
- Schiller, A. (1978). *Roman Law: Mechanisms of Development*. The Hague.
- Schwind, F. von (1973). *Zur Frage der Publikation im römischen Recht*. München.
- Sherk, R. (1969). *Roman Documents from the Greek East: Senatus Consulta and Epistulae to the Age of Augustus*. Baltimore (MD).
- Taylor, L. (1990). *Roman Voting Assemblies: from the Hannibalic War to the Dictatorship of Caesar*. Ann Arbor.
- Tellegen-Couperus, O. (1993). *A Short History of Roman Law*. London.
- Thomas, R. (2005). Writing, Law and Written Law. In: Gagarin, M. and Cohen, D. (eds.) *The Cambridge Companion to Ancient Greek Law*. Cambridge, pp. 41-60.
- Tibiletti, G. (1953). Le Leggi de Iudiciis Repetundarum Fino alla Guerra Sociale. *Athenaeum*, 31, pp. 5-100.
- Williamson, C. (1987). Monuments of Bronze: Roman Legal Documents on Bronze Tablets. *CA*, 6, 160-83.
- Williamson, C. (2005). *The Laws of the Roman People: Public Law in the Expansion and Decline of the Roman Republic*. Ann Arbor.
- Wingo, E. (1972). *Latin Punctuation in the Classical Age*. The Hague.
- Youtie, H. (1975). Because they do not know letters. *ZPE*, 19, pp. 101-8.